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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,900	05/18/2006	Wieslaw Maciejczyk	3144/106US	8722

23638 7590 12/23/2008  
ADAMS INTELLECTUAL PROPERTY LAW, P.A.  
Suite 2350 Charlotte Plaza  
201 South College Street  
CHARLOTTE, NC 28244

EXAMINER
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HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

MAIL DATE	DELIVERY MODE
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12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/595,900

**Applicant(s)**

MACIEJCZYK, WIESLAW

**Examiner**

Scott Haugland

**Art Unit**

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/18/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of claim 10, lines 2-3 is inconsistent with parent claim 1 in which the actuator and pawl and ratchet mechanism are claimed as different elements.

Claim 10 recites the limitation "the pawl" on line 2. There is insufficient antecedent basis for this limitation in the claim. A pawl and ratchet mechanism is not inherently limited to having only one pawl.

Claim 12 recites the limitation "the inlet" on line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimura et al (U.S. Pat. No. 5,137,226) in view of Booth (U.S. Pat. No. 3,930,682).

Fujimura et al discloses a belt retraction mechanism including: a spool 20 having a belt 18 wound thereon for movement in a biased (by spring 34) retracting direction and an opposite extending direction, a cam member biased (by arm 146) to an engagement position wherein an engagement surface of the cam member engages the belt, thereby preventing movement of the belt, and an actuator 146 moveable between an open setting and a closed setting. The actuator is manually operable to an open setting to cause the cam member to move from the engagement position to an open position.

Fujimura et al does not disclose a pawl and ratchet mechanism for preventing rotation of the spool in the retracting direction.

Booth teaches providing a belt retraction mechanism with a pawl and ratchet mechanism (Fig. 4) for preventing rotation of a spool in a belt retracting direction.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Fujimura et al with a pawl and ratchet mechanism as taught by Booth to prevent winding and reduce tension in the seat belt. Operation of the actuator comprising the structure corresponding to 146 in Fujimura et al and the portion of lever 32 to the right of pivot pin 40 in Fig. 4 of Booth would release the pawl and ratchet mechanism and move the cam member to the open position.

With regard to claim 12, the actuator of the modified retractor of Fujimura et al can be used as a handle for manual operation.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maloney et al (U.S. Pat. No. 6,824,222), Sasaki et al (U.S. Pat. No. 5,735,479), Yano et al (U.S. Pat. No. 5,127,671), Meyer et al (U.S. Pat. No. 4,899,949), Ziv et al (U.S. Pat. No. 4,492,348), Board et al (U.S. Pat. No. 3,926,385), Buechler (U.S. Pat. No. 3,323,831), and Weman (U.S. Pat. No. 4,067,612) are cited to further show seat belt retractors including belt-gripping cams. Washizuka (U.S. Pat. No. 6,371,563) and Wiseman et al (U.S. Pat. No. 5,380,066) are cited to show retractors having manual lock release mechanisms. Yamanashi et al (U.S. Pat. No. 4,172,568) is cited to further show a retractor including a belt winding lock.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJH/  
12/18/08  
/Peter M. Cuomo/  
Supervisory Patent Examiner, Art Unit 3654